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EXAMINER  
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ART UNIT	PAPER NUMBER
2611	6

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/363,073

Applicant(s)  
Moigan J. Akhavan et al

Examiner  
Vivek Srivastava

Group Art Unit  
2611



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☒ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

To expedite prosecution, on 1/30/01 the Examiner conferred with the Attorney of Record on this application, Kevin L. Russel, indicating claims 12 - 19 seem to be in incorrect and should be dependent on independent claim 11 and not independent claim 1. Mr. Russel concurred with the examiner and said that the corrections will be made on the subsequent amendment by the applicants. For the following rejection, dependent claims 12 - 19 have been treated as depending on claim 11. See interview summary.

#### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 13, the claimed feature of “displaying the first panel, video and second panel simultaneously after the second panel” is not disclosed in the specification.

#### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (~~6,002,394~~) in view of Macrae et al (6,052,145).

~~6,151,059~~

Regarding claim 1, Schein discloses displaying a video, comprising a plurality of frames, on a portion of a display (col 4 lines 53 - 59, fig 1 and fig 7), displaying a first panel (col 4 lines 20 - 30, fig 1, fig 7, panel met by program matrix grid 108) in response to a first signal from a user interface (col 10 lines 52 - 61, col 11 line 44 - col 12 line 36, user interface met by remote control), first panel being displayed on another portion of the display simultaneously with video (fig 7), first panel containing information from at least one of a plurality of records (col 4 lines 19 - 30, fig 7, plurality of records met by cells which make up a particular program), records containing programming information (fig 7 - cells in grid contain television programs), each of the records having an associated time and an associated channel (fig 7 - each cell has an associated channel and time i.e. 7:00 pm, 7:30 pm), first panel having an associated time range and associated range of channels (fig 7 - program matrix grid has a time range from 7:00 pm - 7:30 pm and range of channels 4 - 11), selecting an icon in response to a second signal from a user interface (col 11 line 45 - col 12 line 36, user scrolls and selects right zone icon 230), displaying simultaneously with video a second panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed with video), second panel having an associated time range

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that is different than the associated time range of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed, displaying programs half-hour later i.e. with a different time range 7:30 pm - 8:00 pm), the second panel having an associated range of channels that is the same as the associated range of channels of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230 to display future programs in a different time range, channels must inherently remain the same so the user can see the future programs on the particular channel after scrolling and since the user is scrolling to the right and not scrolling down).

Although Schein discloses selecting an icon in response to a second signal from a user interface, Schein fails to disclose the claimed selecting a record in response to a second signal from a user interface, wherein the record has an associated time and channel. Macrae teaches scrolling to view future programs in a program guide wherein when a user selects a record, or cell, the program guide scrolls to display future programs on the same range of channels (fig 16 - see highlighted arrow in the record containing "Superman II"). It would have been obvious selecting the actual record would have also provided viewing of future programs and would have obviated the need for the right zone icon 230. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schein to include selecting the record as claimed to provide a viewer with the capability of viewing future programs without the need for generating and displaying a special icon.

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Considering claim 3, Schein discloses the claimed first and second panels are EPG grids (fig 7, col 11 lines 49 - 57, second panel matrix grid is displayed when user scrolls right zone 230 to view later programs displaying a different panel with respect to programs and program times) , each EPG grid containing a plurality of cells (fig 7), and cells containing information from records (fig 7, cells contain program records).

Considering claim 4, Schein discloses the claimed first panel is removed from the display before the second panel is displayed (fig 11, fig 12, col 11 line 66 - col 12 line 36).

Considering claim 5, Schein discloses the step of displaying at least one of another information banner and another EPG grid (fig 11, fig 12, col 11 line 45 - col 12 line 36, user can scroll another half hour to display an EPG grid or can select another banner for another show at another time).

Considering claim 7, Schein discloses wherein the records are digitally transmitted with the video (col 10 lines 4 - 14, col 5 lines 7 - 17).

Considering claim 8, Schein discloses a remote control for a television (col 3 line 56 - col 4 line 4).

Considering claim 10, Schein discloses programming a video recorder to record the selected record (col 5 lines 59 - 63, col 10 lines 62 - 67, col 13 lines 13 - 63).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Macrae as applied to claim 1 above, and further in view of Davis et al (5,822,123).

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Considering claim 2, Schein and Macrae fail to disclose the claimed first and second panels are banners.

Schein discloses displaying a banner with a video. Davis teaches overlaying a first panel or banner having an associated channel and time range on a video (fig 5, fig 44B), wherein a second banner displaying the same channel information and second time range can be displayed enabling a viewer to view programming information for later or earlier times (col 16 lines 4 - 24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to include banners as the first and second panels in the combination of Schein and Macrae to provide a viewer with detailed programming schedule information for later or earlier times.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Macrae as applied to claim 1 above, and further in view of Doherty et al (5,999,227).

Considering claim 6, Schein and Macrae fail to disclose the claimed display is a digital television. Doherty teaches a digital television has several advantages including the reduction of artifacts, increases resolution, and better overall clarity (col 1 lines 14 - 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Macrae to include a digital television to provide a better quality displayed image.

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Macrae as applied to claim 1 above, and further in view of Berezowski (6,064,376).

Considering claim 9, Schein and Macrae fail to disclose the claimed wherein each of first and second panels comprise a minor portion of the display.

Schein discloses displaying a program guide panel and a video simultaneously. Berezowski teaches a need may arise to display a large video with a minor portion of the display dedicated to a program guide panel and that displaying a larger image avoids distortion due to compression (col 6 lines 50 - 55, col 7 lines 18 - 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Macrae to include displaying the first and second panel on a minor portion of the display to provide a larger image with less distortion due to compression.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al (6,151,059) in view of LaJoie et al (5,850,218).

Considering claim 13, Schein fails to disclose the claimed first panel, video and second panel are simultaneously displayed after the second panel is displayed.

Schein discloses displaying a program guide with a video and a banner with a video. LaJoie teaches displaying a program guide, banner, and video simultaneously on one screen (fig 16, fig 26) wherein the program guide, banner and video are simultaneously displayed after a second panel (see fig 25, second panel is 496 and displaying all three simultaneously is met by 492



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after pressing button c). It would have been obvious displaying the program guide, banner and video on one screen would conveniently display all items on one screen thus eliminating the need for the user to switch back and forth between the program guide and the banner. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to display the program guide, banner and video on a single screen to conveniently display all three items at the same time thus eliminating the need for the viewer to switch back and forth between the program guide and the banner.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Doherty et al (5,999,227)).

Considering claim 6, Schein fails to disclose the claimed display is a digital television. Doherty teaches a digital television has several advantages including the reduction of artifacts, increases resolution, and better overall clarity (col 1 lines 14 - 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Schein to include a digital television to provide a better quality displayed image.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Berezowski (6,064,376).

Considering claim 18, Schein fails to disclose the claimed wherein each of first and second panels comprise a minor portion of the display.

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Schein discloses displaying a program guide panel and a video simultaneously.

Berezowski teaches a need may arise to display a large video with a minor portion of the display dedicated to a program guide panel and that displaying a larger image avoids distortion due to compression (col 6 lines 50 - 55, col 7 lines 18 - 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Schein to display the first and second panel on a minor portion of the display to provide a larger image with less distortion due to compression.

*Claim Rejections - 35 U.S.C. § 102*

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

11. Claims 11, 12, 14, 16, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al (6,151,059).

In regards to claim 11, Schein discloses displaying a video, comprising a plurality of frames, on a portion of a display (col 4 lines 53 - 59, fig 1 and fig 7), displaying a first panel (col 4 lines 20 - 30, fig 1 and fig 7, panel met by program matrix grid 108) in response to a first signal to

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a first signal from a user interface (col 10 lines 34 - 61, col 11 line 44 - col 12 line 36 user interface met by remote control), first panel being displayed on another portion of the display simultaneously with video (fig 7), first panel being at least one of an EPG grid and an information banner (fig 11, first panel is at an EPG grid), selecting a record in response to a second signal from a user interface (col 11 line 45 - col 12 line 36, fig 11, user selects program in cell), displaying simultaneously with video a second panel (fig 12, col 11 lines 45 - col 12 line 36, when user selects to view the banner the video is simultaneously displayed), second panel being an information banner when first panel is an EPG grid (col 11 line 45 - col 12 line 36, switching from first panel banner - fig 12 to second panel or grid - fig 11).

Considering claim 12, Schein discloses the claimed first panel is removed from the display before the second panel is displayed (fig 11, fig 12, col 11 line 66 - col 12 line 36).

Considering claim 14, Schein discloses the step of selecting another record and displaying at least one of another information banner and another EPG grid (fig 11, fig 12, col 11 line 45 - col 12 line 36, user can scroll another half hour to display an EPG grid).

Considering claim 16, Schein discloses wherein the records are digitally transmitted with the video (col 10 lines 4 - 14, col 5 lines 7 - 17).

Considering claim 17, Schein discloses a remote control for a television (col 3 line 56 - col 4 line 4).

Considering claim 19, Schein discloses programming a video recorder to record the selected record (col 5 lines 59 - 63, col 10 lines 62 - 67, col 13 lines 13 - 63).

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*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al (5,353,121) - television schedule system

Bedard (5,801,747) - creating a television viewer profile

Lemmons et al (5,880,768) - interactive program guide

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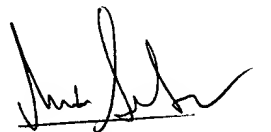
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

1/28/01



**VIVEK SRIVASTAVA**  
**PATENT EXAMINER**